

ment Employee Rights Act of 1991 which comprises this chapter.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-211, §2001(a), inserted before semicolon “and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect”.

Subsec. (b). Pub. L. 103-211, §2001(b), substituted “, payments” for “and payments” and inserted before period at end “, and payments pursuant to Senate Resolution 139, 103d Congress, agreed to August 4, 1993”.

Subsec. (d). Pub. L. 103-211, §2001(c), added subsec. (d).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 2001(d) of Pub. L. 103-211 provided that: “The amendments made by this section [amending this section] shall be effective on and after October 1, 1992.”

§ 1208. Review by Select Committee on Ethics

(a) In general

An employee or the head of an employing office may request that the Select Committee on Ethics (referred to in this section as the “Committee”), or such other entity as the Senate may designate, review a decision under section 1207 of this title, including any decision following a remand under subsection (c) of this section, by filing a request for review with the Office not later than 10 days after the receipt of the decision of a hearing board. The Office, at the discretion of the Director, on its own initiative and for good cause, may file a request for review by the Committee of a decision of a hearing board not later than 5 days after the time for the employee or employing office to file a request for review has expired. The Office shall transmit a copy of any request for review to the Committee and notify the interested parties of the filing of the request for review.

(b) Review

Review under this section shall be based on the record of the hearing board. The Committee shall adopt and publish in the Congressional Record procedures for requests for review under this section.

(c) Remand

Within the time for a decision under subsection (d) of this section, the Committee may remand a decision no more than one time to the hearing board for the purpose of supplementing the record or for further consideration.

(d) Final decision

(1) Hearing board

If no timely request for review is filed under subsection (a) of this section, the Office shall enter as a final decision, the decision of the hearing board.

(2) Select Committee on Ethics

(A) If the Committee does not remand under subsection (c) of this section, it shall transmit a written final decision to the Office for entry in the records of the Office. The Committee shall transmit the decision not later than 60 calendar days during which the Senate is in session after the filing of a request for review under subsection (a) of this section. The Committee may extend for 15 calendar days during which the Senate is in session the period for transmission to the Office of a final decision.

(B) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, unless a majority of the Committee votes to reverse or remand the decision of the hearing board within the time for transmission to the Office of a final decision.

(C) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, if the Committee, in its discretion, decides not to review, pursuant to a request for review under subsection (a) of this section, a decision of the hearing board, and notifies the interested parties of such decision.

(3) Entry of a final decision

The entry of a final decision in the records of the Office shall constitute a final decision for purposes of judicial review under section 1209 of this title.

(e) Statement of reasons

Any decision of the Committee under subsection (c) of this section or subsection (d)(2)(A) of this section shall contain a written statement of the reasons for the Committee's decision.

(Pub. L. 102-166, title III, §308, Nov. 21, 1991, 105 Stat. 1092.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60m, 1204, 1207, 1209, 1211, 1213 of this title.

§ 1209. Judicial review

(a) In general

Any party aggrieved by a final decision entered pursuant to the provisions of section 1208(d)(2) of this title may petition for review by the United States Court of Appeals for the Federal Circuit. A decision may not be reviewed under this section unless a timely request for review of such decision was filed under section 1208(a) of this title.

(b) Law applicable

Chapter 158 of title 28 shall apply to a review under this section except that—

(1) with respect to section 2344 of title 28, service of the petition shall be on the Senate Legal Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 1208(d) of this title;

(4) the Office shall be an “agency” as that term is used in chapter 158 of title 28; and

(5) the Office shall be the respondent in any proceeding under this section.

(c) Standard of review

To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision if it is determined that the decision was—